

YAVAPAI COUNTY ATTORNEY'S OFFICE
JOSEPH C. BUTNER, SBN 005229
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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 DEC -3 PM 2:50

JEANNE HICKS, CLERK

BY: S. LANDINO

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

STATE'S MOTION FOR CHANGE OF
JUDGE

Division 6

(Hearing Requested)

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby moves this Court for a change of judge from the Honorable Thomas B. Lindberg pursuant to Rule 10.1, Ariz. R. Crim. P. This Motion is based on the following Memorandum of Points and Authorities and Affidavit of Jeffrey G. Paupore (Exhibit A) attached hereto and incorporated herein by reference.

MEMORANDUM OF POINTS AND AUTHORITIES

The State believes that the Honorable Thomas B. Lindberg ("Judge Lindberg") violated Rules 15.9 and 35.1, Ariz. R. Crim. P. and Rule 2.9 of the Code of Judicial Conduct in the handling of *ex parte* motions and the entering of *ex parte* orders between July 10, 2009 and March 23, 2010. This Motion is being filed within 10 days after discovery but not after commencement of a hearing or trial. Rule 10.1(b), Ariz. R. Crim. P.

1 **Factual background**

2 On July 6, 2009, Defendant filed a "Motion to File Rule 15.9 Applications *Ex Parte*, in
3 *Camera*, and Under Seal and for an Expedited *Ex Parte*, in *Camera*, Under Seal Hearing."
4 Defendant requested that a hearing be held on or before July 21, 2009. (Exhibit B) The Motion
5 was provided to the State and sealed by Judge Lindberg on July 6, 2009, the same date it was
6 filed. (Exhibit C) Without prior notice to the State or the Victims, on July 10, 2009 an *ex parte*
7 hearing was held with Defendant and defense counsel John Sears and Larry Hammond. (Exhibit
8 D). The State received a copy of this minute entry after the hearing was held.

9
10 A minute entry dated July 16, 2009 reflects that at 3:26 p.m. the Court held an *ex parte*,
11 *in camera* and under seal hearing. Present were defense counsel John Sears, and Dean Trebesch
12 and Bill Culbertson from the Yavapai County Public Defender's Office. The State was not
13 previously informed of, nor did it attend, the July 16, 2009 hearing. The minute entry merely
14 reflects that a hearing was held, Defendant's presence was waived, Dean Trebesch requested
15 copies of all future minute entries, and defense counsel did not object. (Exhibit E) Neither the
16 State nor the Victims were informed of or copied on any subsequent Rule 15.9
17 applications/motions and received a copy of only one subsequent order dated July 23, 2009. See
18 Exhibit F at FN 1.
19

20 On November 24, 2010, the State first learned of numerous *ex parte* motions and orders
21 which were filed under seal and which remain under seal. From the information gleaned from the
22 notations on the outside of the sealed envelopes, it appears that between the period July 10, 2009
23 through March 23, 2010, no fewer than 29 *ex parte* motions and orders were filed by Defendant
24 and/or issued by the Court. (Exhibit F) These *ex parte* proceedings appear to be in violation of
25 the Rules of Criminal Procedure, the Arizona Constitution and the Canons of Judicial Conduct. If
26

1 it is determined that Judge Lindberg had improper *ex parte* contact with Defendant and/or his
2 attorneys without the opportunity of the State or Victim to respond, Judge Lindberg should be
3 recused as the responsible judge for all future proceedings.

4 **Argument**

5 **A. Rules 15.9 and 35.1, Ariz. R. Crim. P., require notice to the opposing party, opportunity**
6 **to respond, and a proper showing before a court has ex parte contact with a party.**

7 Rule 15.9(a), Ariz. R. Crim. P., allows an indigent defendant to apply for the appointment
8 of an investigator and expert witness, and in a capital case for the appointment of a mitigation
9 specialist, at County expense upon a showing that such assistance is reasonably necessary to
10 **present a defense** at trial. Rule 15.9 (b) prohibits *ex parte* proceedings, communications or
11 requests, **unless a proper showing** is made concerning the **need for confidentiality**. Any
12 proceeding, communication, or request must be recorded verbatim and made a part of the record
13 available for appellate review. *Id.*

14 Rule 35.1, Ariz. R. Crim. P. provides that all motions shall contain a short, concise
15 statement of the precise nature of the relief requested, shall be accompanied by a brief
16 memorandum stating the specific factual grounds therefore and indicating the precise legal
17 points, statutes, and authorities relied upon, and **shall be served to all other parties**. Each party
18 has 10 days after service to file a response. The comment to this rule states: "The[] [standards
19 imposed] also assure **notice** to opposing parties and a right of reply for all motions...."
20 Emphasis added.

21 **The Arizona Constitution authorizes the victims' presence at Rule 15.9 hearings**
22 **even if a defendant has established a legitimate need for confidentiality.**

23 *Morehart v. Barton*, 225 Ariz. 269, 236 P.3d 1216 (2010), was a special action in a first
24 degree murder case where the State filed a notice of intent to seek the death penalty. The
25
26

1 petitioners were family members of individuals whom defendant allegedly murdered and victims
2 under Art. 2, Sec. 2.1(C) Ariz. Const. and A.R.S. § 13-4401(19). The petitioners filed a special
3 action challenging the trial court's decision to allow the defendant an *ex parte* hearing
4 concerning mitigation.

5 In overturning the trial court's decision, the *Barton* Court held that even if the defendant
6 established a legitimate need for confidentiality in support of his request for an *ex parte* hearing
7 under Rule 15.9(b), petitioners (victims) have a right to be present at that hearing. The *Barton*
8 Court rejected defendant's arguments that issues relating to mitigation discovery and
9 procurement are appropriately handled on an *ex parte* basis. *Barton* reiterated that the trial court
10 must weigh the interests between victims' and defendants' constitutional rights but noted even
11 when a defendant's due process rights are implicated, a "wholesale abandonment of a victim's
12 rights in deferral thereto is unwarranted." *Barton*, 255 Ariz. at 274 (citing *State v. Connor*, 215
13 Ariz. 553, 558, ¶¶ 9-10, 161 P.3d 596, 601 (App. 2007)).

14 **B. The code of Judicial Conduct prohibits ex parte contact by the Court unless expressly**
15 **authorized by law**

16 In *State v Michael Apelt*, 176 Ariz. 349, 365, 861 P.2d 634 (1993), the Court held there is
17 no constitutional right to *ex parte* proceedings and the broad disclosure requirements of the
18 Arizona Rules of Criminal Procedure cut against such a conclusion. Although the *Apelt* decision
19 came before the enactment of Rule 15.9, the principle still stands that a defendant's
20 constitutional rights are not violated by a denial of *ex parte* proceeding. In the companion case of
21 *State v Rudi Apelt*, 176 Ariz. 369, 374, 861 P.2d 654 (1993), the Court stated Canon 3(A)(4) of
22 the Code of Judicial Conduct forbids ex parte proceedings except as authorized by law.

23 Canon 3(A)(4) of the Code of Judicial Conduct, which formerly prohibited *ex parte*
24 proceedings as set forth in *Apelt, supra*, was replaced with Rule 2.9 effective September 1, 2009.

1 17A A.R.S. Sup.Ct. Rules, Rule 81, Code of Jud. Conduct, Rule 2.9. That Rule provides that a
2 judge shall not permit or consider *ex parte* communications except in very limited circumstances.

3 If Judge Lindberg considered the Rule 15.9 applications and related proceedings to be
4 administrative in nature, he was required to advise the State of the communication and give the
5 State an opportunity to respond. Rule 2.9(A)(1), Code of Judicial Conduct. If he considered the
6 *ex parte* proceedings to be authorized by law (Rule 2.9(A)(5), Code of Judicial Conduct) based
7 on the language in 15.9(b), Ariz. R. Crim. P., he was required to find that the request was
8 necessary to present a defense and further required to make a proper showing concerning the
9 need for confidentiality for each Rule 15.9 application. *Id.*

11 **C. The limited facts available to the State suggest unauthorized and improper *ex parte***
12 **contact**

13 From the limited information that the State has been able to review, it appears that
14 improper *ex parte* contact may have occurred. The State was only notified one time that
15 Defendant requested appointment of an expert pursuant to Rule 15.9. Upon closer examination
16 of that one request, it appears that Judge Lindberg may have issued a "blanket" finding that every
17 request under the guise of Rule 15.9 was to be decided *ex parte*.
18

19 It does not appear that the requisite "proper showing" was made concerning the need for
20 confidentiality of each investigator and expert as required by Rule 15.9. For example, the request
21 for appointment of a financial forensic expert and experts on foot print and tire impressions
22 would be expected in this case. Exhibit F, items 2 and 7. However, it seems that "experts" were
23 hired as a result of *ex parte* contact with the judge who were not "reasonably necessary to present
24 a defense." For example, Defendant apparently requested, and was granted, the appointment of
25 an expert jury and trial consultant, a defense-based victim outreach specialist, and an additional
26

1 paralegal. Exhibit F, items 10, 12 and 24. At a minimum, the State should have been given notice
2 and the opportunity to be heard on these and other requests.

3 It is also noted that Defendant amended his original Rule 15.9 motion on October 21,
4 2009 with no notice to the State or the Victims. Exhibit F, item 14. All requests and orders listed
5 on Exhibit F bring into question whether Judge Lindberg violated the Rules of Criminal
6 Procedure, the rights of the victims, and the Arizona Constitution.

7
8 **Conclusion**

9 The State is mindful of its obligation to avoid interfering with Defendant's Sixth
10 Amendment right to counsel of choice. The State believes, however, that the following could be
11 accomplished without any such interference:

12 1. All of Defendant's motions/applications/requests pursuant to Rule 15.9 be
13 unsealed for the reviewing Court;

14 2. Transcripts of the *ex parte* proceedings relating to each request be transcribed and
15 be made available to the reviewing Court;

16 3. The reviewing Court redact all matters which are confidential as provided for in
17 Rule 15.9 or otherwise (i.e., attorney-client confidences) prior to the distribution of same to the
18 State and the Victims; and

19 4. A finding be made by the reviewing Court whether Judge Lindberg and the
20 defense attorneys had improper *ex parte* contact warranting a change of judge from Judge
21 Lindberg for cause.
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Office of the Yavapai County Attorney

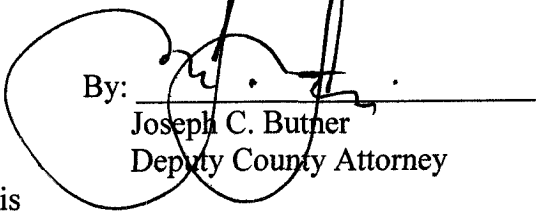
255 E. Gurley Street, Suite 300

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 RESPECTFULLY SUBMITTED this 3d day of December, 2010.

2 Sheila Sullivan Polk
3 YAVAPAI COUNTY ATTORNEY

4 By: 
5 Joseph C. Butner
6 Deputy County Attorney

7 COPIES of the foregoing delivered this
8 3rd day of December, 2010, to:

9 Honorable Warren Darrow
10 Division 6
11 Yavapai County Superior Court
12 (via email)

13 Craig Williams
14 Attorney for the defendant
15 Yavapai Law
16 Prescott Valley, AZ
17 (via email)

18 Greg Parzych
19 222 No. Central Ave.
20 Phoenix, AZ 85004
21 Attorney for the defendant
22 (via email)

23 Christopher B. DuPont
24 Trautman DuPont
25 245 West Roosevelt, Suite A
26 Phoenix, AZ 85003
Attorney for victims
Katherine and Charlotte DeMocker
(via email)

Dean Trebesch
Yavapai Public Defender's Office
595 White Spar Rd.
Prescott, AZ 86303
(via email)

By: 

**AFFIDAVIT IN SUPPORT OF STATE'S MOTION
FOR CHANGE OF JUDGE**

STATE OF ARIZONA)

) ss
County of Yavapai)

Affiant, Jeffrey Paupore, being first duly sworn upon his oath, deposes and says:

1. That he is a Yavapai Deputy County Attorney and one of the prosecutors assigned to the case of State v. DeMocker, CR2008 1339.
2. On November 24, 2010, with permission from the court, your affiant reviewed court files numbered 3 and 4 and an accompanying expando containing approximately 29 sealed manila envelopes.
3. In numerous locations in the court files, the Clerk, at the direction of Judge Lindberg, inserted pages titled PURGED on Rule 15.9 proceedings with instructions that no one could review the subject pleading without a prior order from the court.
4. Your affiant reviewed the State's files and could not locate any of the purged and sealed Rule 15.9 pleadings except as noted on Exhibits B through F attached.
5. Your affiant reviewed the "OnBase" records and could not locate any of the sealed Rule 15.9 applications or orders.
6. Upon information and belief, your affiant believes Defendant and Judge Lindberg failed to notify the State and the victims of these *ex parte* proceedings.
7. Until the State sought and gained the Court's permission to review the Court's sealed files, the State had no knowledge or notice that Defendant and/or his attorneys met with Judge Lindberg *ex parte* on numerous occasions.

8. Your affiant compiled a list of the subject sealed pleadings and orders, attached as Exhibit F.

9. Victims Ruth Kennedy and John Kennedy were informed of the *ex parte* proceedings and requested that the State assert their Victims' rights in this matter.

10. All statements contained herein are true and correct to the best of affiant's knowledge, information and belief.

Further, affiant sayeth naught.

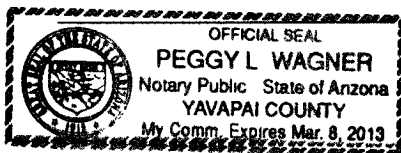
DATED this 2nd day of December, 2010.

Jeffrey Paupore
Jeffrey Paupore, Deputy County Attorney

Subscribed and sworn to before me this 2nd day of December, 2010.

Peggy L. Wagner
Notary Public

My commission expires:



file

Butner
faxed to Deb 7-7-09

1 Larry A. Hammond, 004049
2 Anne M. Chapman, 025965
3 OSBORN MALEDON, P.A.
4 2929 N. Central Avenue, 21st Floor
5 Phoenix, Arizona 85012-2793
6 (602) 640-9000
7 lhammond@omlaw.com
8 achapman@omlaw.com

9 John M. Sears, 005617
10 107 North Cortez Street
11 Suite 104
12 Prescott, Arizona 86301
13 (928) 778-5208
14 John.Sears@azbar.org

15 Attorneys for Defendant

16 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
17 IN AND FOR THE COUNTY OF YAVAPAI

18 STATE OF ARIZONA,	}	No. CR 2008-1339
19 Plaintiff,		Div. 6
20 vs.		DEFENDANT'S MOTION TO FILE RULE 15.9 APPLICATIONS EX PARTE, IN CAMERA, AND UNDER SEAL AND FOR AN EXPEDITED EX PARTE, IN CAMERA, UNDER SEAL HEARING
21 STEVEN CARROLL DEMOCKER,		
22 Defendant.		

23 Defendant Steven C. DeMocker, by and through counsel, hereby moves this
24 court under Rule 15.9 (b) to permit filing of Rule 15.9 (d) applications *ex parte*, *in*
25 *camera* and under seal and to hold expeditiously an *ex parte*, *in camera*, under seal
26 hearing regarding Rule 15.9(d) applications.

27 ARGUMENT

28 Counsel anticipates making application to this Court for appointments under
Rule 15.9(d). An initial deadline set in May for these applications is July 13, 2009. As

1 part of the application process, counsel will be required to reveal ongoing investigation
2 and other defense planning decisions. Rule 4.1 of the ABA Supplementary Guidelines
3 for the Mitigation Function of Defense Teams in Death Penalty Cases directs that
4 application for mitigation services funding should be conducted *ex parte*, *in camera* and
5 under seal. See Supplementary Guidelines for the Mitigation Function of Defense
6 Teams in Death Penalty Cases, 36 HOFSTRA L. REV. 677, at 680 (2008). The ABA
7 Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty
8 Cases is in accord with respect to other defense resources. See Commentary to ABA
9 Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty
10 Cases Standard 10.4 "The Defense Team" (2003) ("Because the defense should not be
11 required to disclose privileged communications or strategy to the prosecution in order to
12 secure these resources, counsel should insist on making such requests *ex parte* and *in*
13 *camera*.")) Counsel are required to abide by the ABA Guidelines. See Ariz. R. Crim P.
14 6.8 (b) 1. (iii) (lead capital counsel "[s]hall be familiar with and guided by the
15 performance standards in the 2003 American Bar Association Guidelines for the
16 Appointment and Performance of Defense Counsel in Death Penalty Cases"). For these
17 reasons, confidentiality of the applications is required to protect Mr. DeMocker's Sixth
18 Amendment and other rights. Therefore, Mr. DeMocker, by and through counsel,
19 hereby requests that this Court permit the filing of Rule 15.9 applications *ex parte*, *in*
20 *camera* and under seal and that the Court hold an *ex parte*, *in camera*, under seal
21 hearing to rule on counsel's initial Rule 15.9 applications on or before July 21, 2009. A
22 quick resolution of the applications is required to permit the defense team to continue
23 work on critical aspects of the case. A proposed order is attached.

24 CONCLUSION

25 For these reasons, and any adduced at any hearing on this matter, Mr. DeMocker
26 requests that the Court permit the filing of Rule 15.9 applications *ex parte*, *in camera*
27
28

1 and under seal and that the court hold an *ex parte, in camera*, under seal hearing to rule
2 on counsel's initial Rule 15.9 applications on or before July 21, 2009.

3 DATED this 6th day of July, 2009.

4
5 By: 

6 John Sears
7 107 North Cortez Street, Suite 104
8 Prescott, Arizona 86301

9 OSBORN MALEDON, P.A.
10 Larry A. Hammond
11 Anne M. Chapman
12 2929 N. Central Avenue, Suite 2100
13 Phoenix, Arizona 85012-2793

14 Attorneys for Defendant

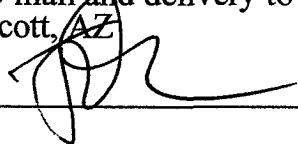
15 ORIGINAL of the foregoing filed
16 this 6th day of July, 2009, with:

17 Jeanne Hicks,
18 Clerk of the Court
19 Yavapai County Superior Court
20 120 S. Cortez
21 Prescott, AZ 86303

22 COPIES of the foregoing hand delivered
23 this 6th day of July, 2009, to:

24 The Hon. Thomas B. Lindberg
25 Judge of the Superior Court
26 Division Six
27 120 S. Cortez
28 Prescott, AZ 86303

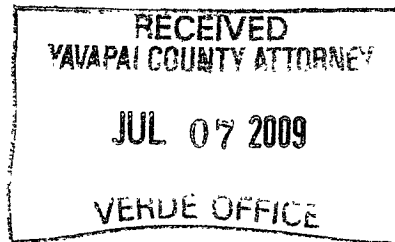
Joseph C. Butner, Esq.
Office of the Yavapai County Attorney
By e-mail and delivery to courthouse drawer
Prescott, AZ



RECEIVED

JUL 06 2009

YAVAPAI COUNTY ATTORNEY



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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

No. CR 2008-1339

Div. 6

**ORDER GRANTING
DEFENDANT'S MOTION TO
FILE RULE 15.9 APPLICATIONS
EX PARTE, IN CAMERA AND
UNDER SEAL AND SETTING AN
EX PARTE IN CAMERA UNDER
SEAL HEARING TO ADDRESS
RULE 15.9 APPLICATIONS**

Pursuant to Defendant's Motion and good cause and the need for
confidentiality having been shown, Defendant's Motion is hereby GRANTED and it is
ORDERED that:

1. Defendant may file applications under Rule 15.9 in this matter *ex parte, in camera*, and under seal, without further order of the Court.
2. This Court will hold an *ex parte, in camera*, under seal hearing on July
_____ 2009 at _____ to address the Defendant's initial Rule
15.9 applications.

DONE IN OPEN COURT this ____ day of July, 2009.

Hon. Thomas B. Lindberg
Yavapai County Superior Court Judge
Division 6

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

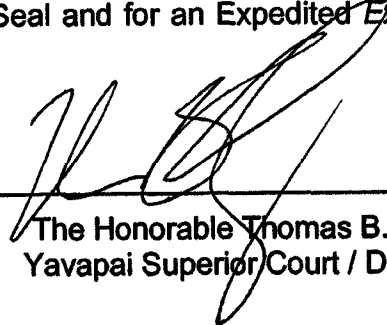
STATE OF ARIZONA (Plaintiff) vs. STEVEN CARROLL DEMOCKER (Defendant)	Case No. CR 2008-1339 COURT ORDER directing Clerk of Court TO SEAL Motion to File Rule 15.9 Applications Ex Parte, in Camera, and Under Seal	FILED ✓ DATE: JUL 06 2009 3 O'Clock P M. JEANNE HICKS, CLERK BY: S. Stinemake Deputy
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HONORABLE Thomas B. Lindberg DIVISION SIX	BY: Martha Wolfinger / Judicial Assistant Division Six DATE: July 6th, 2009
--	---

The Court this date having received Defendant's July 6th, 2009 Motion to File Rule 15.9 Applications *Ex Parte*, *in Camera*, and Under Seal and for an Expedited *Ex Parte*, *in Camera*, Under Seal Hearing,

IT IS HEREBY ORDERED directing Clerk of Court to forthwith seal Motion to File Rule 15.9 Applications *Ex Parte*, *in Camera*, and Under Seal and for an Expedited *Ex Parte*, *in Camera*, Under Seal Hearing.

DATED this 6th day of July, 2009.



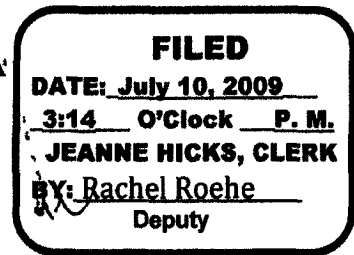
The Honorable Thomas B. Lindberg
Yavapai Superior Court / Division Six

cc: Joseph C. Butner III, Esq., Office of the Yavapai County Attorney (via e-mail this date)
(e) John M. Sears, Esq., 107 North Cortez Street, Suite 104, Prescott, Arizona 86301 (via e-mail and facsimile this date to 928-445-1472)
Larry A. Hammond, Esq., Anne M. Chapman, Esq., Osborn Maledon, P.A., 2929 North Central Avenue, 21st Floor, Phoenix, Arizona 85012-2793 (via e-mail and facsimile this date to: 602-640-6076)
Dean Trebesch, Esq., Office of the Yavapai County Public Defender, 595 White Spar Road, Prescott, Arizona 86303 (via e-mail and facsimile this date to: 928-771-3413)
Victim Services: Attn. Marie Martinez

JUL 06 2009
AFTER 2 P.M.

Exhibit C

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION: 6

JEANNE HICKS, CLERK

HON. THOMAS B. LINDBERG

By: Rachel Roehe, Deputy Clerk

CASE NO. CR20081339

DATE: July 10, 2009

TITLE:

COUNSEL:

STATE OF ARIZONA
(Plaintiff)

Yavapai County Attorney
(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER
(D-1)

John Sears
107 North Cortez Street, Suite 104
Prescott, AZ 86301

Larry Hammond
Anne Chapman
OSBORN MALEDON, P.A.
2929 North Central Avenue, 21st Floor
Phoenix, AZ 85012
(For Defendant)

HEARING ON:
Ex Parte, in Camera Under Seal Hearing

NATURE OF PROCEEDINGS

COURT REPORTER
Roxanne Tarn

START TIME: 2:22 p.m.

APPEARANCES: Steven DeMocker, Defendant
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant

An *Ex Parte, in Camera* Under Seal Hearing takes place on the record.

END TIME: 3:14 p.m.

cc: VS (e)

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED
DATE: 07/16/09
3:26 O'Clock P.M.
JEANNE HICKS, CLERK
BY: HEATHER SMITH
Deputy

DIVISION: 6

JEANNE HICKS, CLERK

HON. THOMAS B. LINDBERG

BY: HEATHER SMITH

CASE NO. CR 20081339

DATE: JULY 16, 2009

TITLE:

COUNSEL:

STATE OF ARIZONA

Yavapai County Attorney

(Plaintiff)

(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

John Sears

(D-1)

(Defendant)

(For Defendant)

HEARING

Ex Parte In Camera hearing

COURT REPORTER

Roxanne Tarn

START TIME: 3:26 p.m.

APPEARANCES: John Sears, Counsel for Defendant
Dean Trebesch, Contract Administrator for the Public Defender
Bill Culbertson, Representative for Public Defender

Court notes, this is the time set for an ex parte in camera sealed hearing. Defendant's presence is waived at this time.

Dean Trebesch requests he be provided copies of all minute entries in this matter from this date forward. Counsel for Defendant has no objection. Court directs the Clerk to indicate on the file that Dean Trebesch shall be provided with copies of all minute entries in this matter from this date forward.

CC: Dean Trebesch (Contract Administrator)
Victim Services
Yavapai County Jail

Exhibit E

END TIME: 4:02 p.m.

LIST OF SEALED DOCUMENTS AND ORDERS

1. Defendant's motion to determine indigency pursuant to ARCP, Rule 15.9 dated July 6, 2009.
2. Defendant's application for Rule 15.9 appointment of Financial Forensic Expert, dated July 16 and 21, 2009.
3. Defendant's motion for Rule 15.9 appointment dated July 21, 2009.
4. Order compelling Yavapai County to furnish defendant transcripts of an evidentiary hearing at no cost, dated July 23, 2009.¹
5. Order for Rule 15.9 appointment dated August 3, 2009.
6. Defendant's Rule 15.9 motion (no designation) dated August 7, 2009.
7. Defendant's application and Order for Rule 15.9 appointment of Consulting Neuropsychologist, Financial Forensic Expert, Consulting Forensic Expert on foot print and tire impressions, dated August 13, 2009.
8. Order pursuant to Rule 15.9 dated August 19, 2009.
9. Amended Order pursuant to Rule 15.9 on appointment of expert Peter Barnett, dated August 21, 2009.
10. Defendant's motion for appointment of expert jury and trial consultant and order pursuant to Rule 15.9, dated August 31, 2009.
11. Order pursuant to Rule 15.9 appointing expert (unnamed).
12. Defendant's motion pursuant to Rule 15. 9 appointing a Defense Based Victim Outreach Specialist, dated October 2, 2009.
13. Defendant's motion pursuant to Rule 15. 9 appointing a Specialist, dated October 2, 2009.
14. Defendant's First amendment to Rule 15.9 motion, dated October 21, 2009.
15. Defendant's motion pursuant to Rule 15. 9 appointing of Field Researcher, dated October 21, 2009.
16. Defendant's Notice of Filing Declaration dated October 28, 2009.
17. Defendant's amended motion pursuant to Rule 15. 9 appointing expert Peter Barnett, dated November 12, 2009.
18. Order of appointment pursuant to Rule 15. 9 dated November 16, 2009.
19. Defendant's motion pursuant to Rule 15. 9 and Order appointing a Specialist dated December 17, 2009.
20. Undated Order granting defendant's motion pursuant to Rule 15. 9 for reimbursement of costs incurred appointing experts with necessary costs.
21. Defendant's motion pursuant to Rule 15. 9 appointing expert Norah Rudin dated January 11, 2010.
22. Defendant's motion pursuant to Rule 15. 9 appointing expert Allison Galloway dated January 11, 2010.
23. Defendant's motion pursuant to Rule 15. 9 appointing expert dated January 11, 2010.

¹ The State received a copy of this Order as the prosecutor was present at the July 21, 2009 hearing when the matter was discussed.

Office of the Yavapai County Attorney

255 E. Gurley Street, Suite 300

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

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24. Defendant's motion pursuant to Rule 15. 9 appointing additional paralegal dated January 11, 2010.
25. Order appointing experts listed in 21 through 24 dated January 14, 2010.
26. Defendant's motion pursuant to Rule 15. 9 and Order appointing expert dated February 11, 2010.
27. Defendant's motion pursuant to Rule 15. 9 and Order appointing expert dated March 13, 2010.
28. Defendant's motion pursuant to Rule 15. 9 and Order appointing expert Anne Kroman dated March 15, 2010.
29. Defendant's motion pursuant to Rule 15. 9 and Order appointing expert Darko Babic dated March 23, 2010.